



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of

GIANNESI et al

Atty. Ref.: 4865-13; Confirmation No. 7877

Appl. No. 10/501,135

TC/A.U. 1626

Filed: July 13, 2004

Examiner: Young

For: PHENY(ALKYL)CARBOXYLIC ACID DERIVATIVES AND DIONIC  
PHENYLALKYLHETEROCYCLIC DERIVATIVES AND THEIR USE AS MEDICINES  
WITH SERUM GLUCOSE AND/OR SERUM LIPID LOWERING ACTIVITY

\* \* \* \* \*

January 29, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Responsive to the Official Action of November 28, 2006 and the lack of unity finding presented in it, the Official Action identifies five groups of invention: four of them refer to compounds differing only for the meaning of the Ar group and the fifth refers to their pharmaceutical use.

The Examiner's finding of lack of unity fails to consider the meaning of the A group together with COY and R1 groups. In view of this deficiency applicants ask to the Examiner to reconsider his opinion and to include this definition in the three original groups of inventions.

In order to be fully responsive applicant elects the subject matter of Group IV, directed to certain compounds as set out on page 5 of the Action. The compound of Example 22 is the elected species. In addition the compound of Example 22, compounds Nos. 13, 17, 19 to 34, 36 to 45, and 47 to 49, which are synthesized and disclosed in the examples, belong to the elected group.

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This response is also made with traverse to the extent the non-elected claims 8 and 9 directed to the methods of use may be rejoined once the product claims are found to be allowable.

Please examine the elected claims on the merits taking into account the documents cited in the International Search Report in the underlying PCT application and the Information Disclosure Statements filed July 13, 2004 and concurrently herewith.

Respectfully submitted,

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